

10/032149 #3

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled System and method for early detection of impending failure of a data storage system; the specification of which was filed on **December 20, 2001** as Application Serial No. **10/032,149**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/257,760

Filing Date: December 22, 2000

Application No.: 60/257,648

Filing Date: December 22, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **Mark Moshayed**

Inventor's signature

Date

2-18-02

Residence: **20191 Hillside Drive, Orange, California 92669**

Citizenship: **United States**

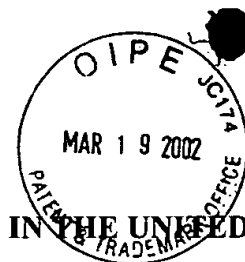
Post Office Address: **Same as above**

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
**Customer No. 20,995**

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SIMTECH.172A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Moshayed )  
App. No. : 10/032,149 )  
Filed : December 20, 2001 )  
For : SYSTEM AND METHOD FOR )  
EARLY DETECTION OF )  
IMPENDING FAILURE OF A DATA )  
STORAGE SYSTEM )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office  
PO Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620

App. No. : 10/03, 149  
Filed : December 20, 2001

Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Dated: 2/18/02

SimpleTech, Inc.

By: Carl Swartz  
Carl Swartz

Title: Vice President of Strategic Planning  
and General Counsel

Address: 3001 Daimler Street,  
Santa Ana, California 92705

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Application No.: 10/032,149  
Filing Date: December 20, 2001

**COPY**

*do not  
record*

PATENT

Client Code: SIMTECH.172A

Page 1

**ASSIGNMENT**

WHEREAS, I, Mark Moshayedi, a United States citizen, residing at 20191 Hillside Drive, Orange, California 92669, have invented certain new and useful improvements in a SYSTEM AND METHOD FOR EARLY DETECTION OF IMPENDING FAILURE OF A DATA STORAGE SYSTEM for which I have filed an application for Letters Patent in the United States, Application No. 10/032,149 Filed, December 20, 2001;

AND WHEREAS, SimpleTech, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 3001 Daimler Street, Santa Ana, California 92705, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of Feb, 2002

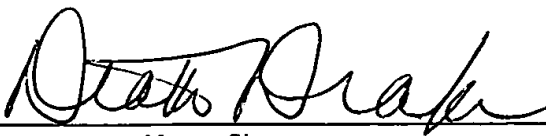
  
\_\_\_\_\_  
Mark Moshayedi

STATE OF California }  
COUNTY OF Orange } ss.

On Feb. 18, 02, before me, Diane Drake, personally appeared Mark Moshayedi personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
\_\_\_\_\_  
Notary Signature

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